

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

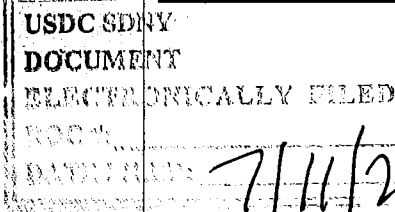
MARTIN BAUER, INC.,
Plaintiff,

Civil Action No.: 7:21-cv-05576-VB

-against-

BRANDS WITHIN REACH, LLC,
Defendant.

~~PROPOSED~~ DEFAULT JUDGMENT



WHEREAS, this action was commenced on June 25, 2021, when Plaintiff Martin Bauer, Inc. ("Martin Bauer") filed its Complaint (the "Complaint") against Defendant Brands Within Reach, LLC ("BWR"), among others (ECF Dkt. No. 1);

WHEREAS, BWR appeared in this action through counsel and filed an Answer to Complaint, dated August 30, 2021 (ECF Dkt. No. 14);

WHEREAS, BWR's first counsel moved to withdraw as BWR's counsel in this action and such motion was granted by the Court on November 15, 2021 (ECF Dkt. No. 26);

WHEREAS, BWR retained new counsel to represent it in this action, who appeared on November 30, 2021 (ECF Dkt. Nos. 28 and 29);

WHEREAS, BWR's second counsel moved to withdraw as BWR's counsel in this action and such motion was granted by the Court on April 11, 2022 (ECF Dkt. No. 44);

WHEREAS, pursuant to the Court's April 11, 2022 order, BWR was required to appear through counsel for a status conference on May 16, 2022 (ECF Dkt. No. 44);

WHEREAS, BWR failed to appear for the May 16, 2022 status conference and otherwise has not retained counsel to represent it in this action;

WHEREAS, the Court accordingly invited Martin Bauer to move for a default judgement against BWR (ECF Dkt. No. 47);

NOW, THEREFORE, upon the Order to Show Cause Without Emergency Relief issued by this Court on June 17, 2022; the Declaration of Jonathan E. Temchin, dated June 16, 2022, and the exhibits annexed thereto; the Declaration of Christoph Kirshner, dated June 16, 2022, and the exhibits annexed thereto; and the accompanying memorandum of law; and upon all prior papers and proceedings heretofore had herein, it is:

ORDERED, ADJUDGED AND DECREED that judgment be entered pursuant to Rule 55(b) of the Federal Rules of Civil Procedure and Local Civil Rule 55.2(b) against Defendant Brands Within Reach, LLC and in favor of Plaintiff Martin Bauer, Inc. on ~~Counts I, II, III, IV and~~ ^{Count} of its Complaint as follows:

- A. Damages in the amount of \$65,776.65 for the principal amount owed to Martin Bauer;
- ~~B. Prejudgment interest accruing at the parties' agreed upon contractual rate of eighteen percent (18%) per annum through the date of entry of judgment in this action, totaling \$17,218.42 as of June 16, 2022 and increasing \$32.44 per diem; and~~
- C. Post-judgment interest at the rate set forth in 28 U.S.C. § 1961; and it is further

ORDERED, that pursuant to Rule 62(a) of the Fed. R. Civ. P., the automatic stay of proceedings to enforce any judgment against BWR is hereby dissolved; and it is further

ORDERED, that service of a copy of this Judgment, together with ~~the~~ and the papers upon which it is based, shall be made on BWR at c/o Zachert Private Equities GmbH, Friedrich-Engels-Straße 14, 15537 Grünheide (Mark), Germany by international mail and on Olaf Zachert, BWR's Chief Executive Officer via email transmission on or before July 25, 2022, which shall be deemed good and sufficient service thereof; and

The Clerk of the Court is hereby instructed to enter this Default Judgment against BWR forthwith and without further notice. The Clerk of the Court is also directed to send a copy of this Default Judgment to BWR by first class mail.

Dated: White Plains, New York
July 11, 2022

SO ORDERED:



UNITED STATES DISTRICT JUDGE

→ The clerk is instructed to close this case.